

APPROVED

# **TOWN OF WESTFORD**

## **BOARD OF SELECTMEN**

### **MINUTES**

**DATE:** September 14, 2004

**TIME:** 6:36 P.M.

**PLACE:** J.V. Fletcher Library

**PRESENT:** Robert Jefferies, Dini Healy-Coffin, Christopher Romeo,  
Allan Loiselle, James Silva

**OTHERS**

**PRESENT:** Steve Ledoux-Town Manager  
Audience Members

**Motion to Go Into Executive Session**

**It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to go into Executive Session to discuss real estate negotiations regarding the East Boston Camps and 52 Beaver Brook Road.**

A polling of the Board: Jefferies-yes; Healy-Coffin-yes; Romeo-yes; Loiselle-yes; Silva-yes. Steve Ledoux, Town Manager; Norman Khumalo, Assistant Town Manager; Nellie Achinhead, Trust For Public Land; and Nancy Rosinski, Westford Land Preservation Foundation were also present. Achinhead and Rosinski were present for the East Boston Camps discussion. Attorney Ellen Callahan Doucette, Town Counsel; and Andrea Peraner-Sweet, Affordable Housing Committee, were present for the 52 Beaver Brook Road discussion. The Board to reconvene to Regular session at the end of Executive Session to complete the remaining agenda items.

**Reconvene to Regular Session**

The Board reconvened to regular session at 7:45 p.m.

### **Open Session**

**Affordable Housing Plan** – Andrea Peraner-Sweet and Christopher Romeo, Co-chairs of the Affordable Housing Committee, reported that the Westford Affordable Housing Plan has been approved by the State. Peraner-Sweet thanked Jennifer Burke, Norman Khumalo, and the members of the Affordable Housing Committee, for their hard work on the plan. Peraner-Sweet also thanked the Selectmen, the Zoning Board of Appeals and the residents for their comments.

**Veteran's Memorial Complex** – Paul Murray, Veterans Services, reported that an Eagle Scout has been fundraising and is now ready to proceed with the sign at the entrance to the Veteran's Memorial Complex. The plan is for the sign to be completed in time for Veteran's Day.

**Acceptance of Gift to Conservation Commission from Mass Electric** – William Turner, Conservation Administrator, reported that the Selectmen voted on September 10, 2002 to accept the land gift from Mass Electric for the 11 acre parcel of land located west of Rome Drive, in the middle of the existing 66 acre Sullivan Conservation land. Due to the new notarization rules, it was necessary for the Board to sign a new acceptance form with the proper language. The Board signed the new form.

**Acceptance of Donation to Conservation Fund from Ed Kennedy** – William Turner, Conservation Administrator, explained that at the time of permitting of the Butter Brook Golf Course, the owner/developer, Edward Kennedy, agreed to a contribution of \$5,000.00 per year for ten years to the Town's Conservation Fund, in lieu of fines for violations that occurred on the property prior to the issuance of permits. Turner asked the Board to approve the donation to the Conservation Fund. **It was moved by Healy-Coffin, seconded by Loiselle, and VOTED UNANIMOUSLY, that pursuant to the provisions of MGL, Ch. 40 §8C, to approve the contribution of \$5,000.00 to the Town's Conservation Fund from Edward Kennedy.**

### **Discussion with Architectural Student Regarding Proposed Senior Activities Center**

Gabe Bergeron, Boston Architectural Center, and Joanne Sheehan, Council on Aging Director, made a presentation regarding the Westford Senior Activities Center, A Vision: Community, Open Space, Affordable Senior Housing; Community Design: Participatory Workshops, Advisory Committee; Research; Need for a New Center: Senior Population; Current Center; Precedents – Other Senior Clubs; Precedents – Recreation. Healy-Coffin suggested that more senior citizens be surveyed regarding the priority of activities. Healy-Coffin also suggested that the Committee speak to the Recreation Department. Sheehan announced that the next meeting of the Senior Activities Committee will be held on Thursday, September 30, 2004 at 2:30 p.m.

**Selectmen to Review Land Acquisition Committee Recommendations**

Diane Holmes, Land Acquisition Committee, made a presentation of the Committee's recommendation for town-owned parcels suitable for affordable housing. Holmes showed a map of the town-owned properties with eight parcels recommended. Holmes described the parcels of land at 52 Beaver Brook Road, True Bean Way/Woodland Road, The Edwards Parcel, The Williams Avenue/Woodbine Avenue, The Boston Road Parcel, Jack Walsh Field, The Hildreth Street Parcel and Providence Road.

Leslie Thomas, Land Acquisition Committee, showed photographs of various examples of affordable housing in the Orion Way Subdivision (Tadmuck Road); the Villages at Meadow Wood and Windemere in Chelmsford; Riley Way Subdivision (Depot Street); Deerhaven Subdivision in Groton; Stone Ridge Development; Sheriff's Meadow in Boxborough; Brookside Mill (mill re-use); and Danforth Village in Billerica.

Holmes stated that the presentation will be posted on the town's website and will be available for viewing at the J.V. Fletcher Library.

Ann Eno, Fisher Way, Affordable Housing Committee member, complimented the work of the Land Acquisition Committee and urged the Selectmen to push forward with the recommendations of the Committee. Eno felt that there was a great need for affordable housing in Westford.

**Selectmen to Discuss Redemption of Taxes at 52 Beaver Brook Road**

Richard Lewis of Groton, Massachusetts was present acting as agent for Sharon Labbe. Lewis stated that the Town tax foreclosed on Labbe's house in September, 2003. Lewis stated that Labbe would like to exercise her right of redemption. Lewis indicated that they have been trying unsuccessfully to find out from the Town the exact amount Labbe owes. Lewis asked the Board to provide the amount due so that Labbe could redeem the property and pay off what is owed. Khumalo reported that he spoke to Attorney Joe Holmes and told him that he would have the exact amount by Wednesday, September 15, 2004, which included the taxes, the money paid to foreclose, insurance, electricity and oil, and maintenance costs incurred by the Town. Romeo asked Lewis what Sharon Labbe's excuse was for not paying taxes for the last 18 years. Romeo also clarified that the property had been abandoned. Lewis stated that Labbe was a single mother raising three children and that she put rearing the children ahead of paying taxes. Romeo asked Lewis what Labbe's plans were for the house. Lewis did not know what Labbe's plans were. Lewis stated that if the Board denies the request, they will go to Land Court.

Diane Holmes, 59 Lowell Road, took offense to Lewis' statement about Labbe raising her children ahead of paying her taxes. Holmes stated that she is a widow with three children and pays her taxes.

Jefferies asked the Board for a motion to redeem the property. There was no motion brought forward. Jefferies explained that the Board was not voting to redeem the property.

### **Informational Overview, Southgate Project, AWMW, LLC**

Attorney Douglas Deschenes was present for AWMW, LLC. Deschenes reported that the applicant has applied to Mass Housing for a Site Eligibility Letter. Deschenes provided an overview of the project which will consist of 42 units in an active adult community (age 55+) in 14 separate buildings (condominium townhouse styles). Eleven of the units will have to be sold as affordable. The property consists of approximately 21 acres of land off South Chelmsford Road with approximately 8 acres of wetlands, zoned Residential A. There is an existing house, barn and other structures. The units will be 1,800 sq. ft., 2 bedrooms, 2½ bathrooms, a “bonus” room, 2-car garage and one outdoor parking space. Deschenes showed a drawing of the units and floor plan. The affordable units will be sold at approximately \$160,000 - \$170,000. Deschenes stated that he is still working on the waiver list but would be seeking waivers regarding density, multiple buildings in a RA zone, local wetlands bylaws, and growth management.

Jefferies was concerned with 33 units on a single access that abuts a flood plain. Jefferies also asked that the applicant look at putting the garages to the rear to reduce paving. Deschenes will bring Jefferies’ concerns to the applicant’s engineer. Healy-Coffin felt that the plans were too dense. Deschenes felt that this was less dense than what was shown earlier in the meeting (photographs of other affordable housing). Deschenes stated that the project works out to 2 units per acre for the entire site and 3 units per acre for the upland portion of the site. Andrea Peraner-Sweet, Affordable Housing Committee, provided preliminary data regarding the existing affordable housing inventory in Westford. Romeo felt that the project appeared to be jammed on the site given the wet area. Jefferies felt that the construction manager should be put in the hard costs rather than the soft costs.

### **Selectmen to Consider Approval of Integrated Pest Management (IPM) Plan for Veteran’s Memorial Complex**

Pat Savage, Director of Parks and Recreation, was present seeking the Board’s approval of the Integrated Pest Management Plan (IPM) for the Veteran’s Memorial Complex. Savage reported that the plan was the result of a grant put forward by the Town. Savage also reported that Parks & Recreation had one concern with item 1.4 relative to roles and responsibilities. Savage noted that there is no written agreement between the School Committee and the Parks and Recreation Committee to allow the plan to move forward.

Jefferies reported that the Permanent School Building Committee (PSBC) decided last week to add wood ash, compost, aerate and slice seed the lower field and wait to see what happens in the spring. Jefferies stated that the PSBC did

not want to expose the field in the hurricane season due to possible erosion nor did they want to plow up the existing sprinklers. Romeo reminded the Board of a vote taken on September 7, 2004 to support Savage's recommendation to plant a cover crop to salvage the field and determine the best course of action over the winter. Romeo questioned why the PSBC was now saying that it will be implementing wood ash, composting, aerating and slice seeding. Jefferies clarified that the fields must be turned over to the School Committee by the PSBC. Jefferies stated that the School Committee has to give Savage the ability to implement the IPM.

**It was moved by Romeo, seconded by Healy-Coffin for discussion, to approve the plan.**

Healy-Coffin recommended speaking to Bill Olsen, Assistant School Superintendent, or making a presentation to the School Committee before fall town meeting. Savage stated that Olsen was a member of the IPM Committee. Healy-Coffin offered to meet with the School Committee.

**VOTE ON ROMEO'S MOTION: ALL IN FAVOR – UNANIMOUS.**

#### **Modification to Police Lighting and Landscaping Plan**

Ledoux reported that he received a letter from Rose O'Donnell requesting to modify the plantings in front of the drinking fountain at the Police Station (along Main Street). O'Donnell indicated that the plantings are obstructing the fountain and the police sign. **It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to send this request to the Planning Board.**

#### **Selectmen to Consider Request of Affordable Housing Committee to Name the Affordable Housing Complex at the Veteran's Memorial Complex after William Coakley**

Romeo requested to consider and sanction naming the affordable housing complex at the Veteran's Memorial Complex after the late William Coakley. **It was moved by Healy-Coffin, seconded by Romeo, and VOTED 4 IN FAVOR WITH 1 ABSENT (Loiselle was out of the room during the vote), to support the request.**

#### **Selectmen to Set Special Town Meeting Warrant**

Ledoux reported that the Board finalized the 21 articles at the August 17<sup>th</sup> meeting. Ledoux referenced a request from the School Committee for additional funding which could be considered under Article 2. Jefferies asked for clarification regarding the deadline for submission of citizen's petitions.

Ellen Harde, Town Moderator, explained that the deadline for submission of citizen's petitions for Special Town Meeting is a policy decision of the Board of Selectmen and is not in the local bylaw.

**It was moved by Romeo, seconded by Healy-Coffin for discussion, to set the Warrant at 21 Articles.**

Mike Green, Chairman of the Planning Board, asked the Board to reconsider placing an article on the warrant for the drainage easement at Chestnut Hill Estates. Green stated that there are issues with four foundation drains; two of which are already tied in to the drainage system. Green stated that there were icing problems last winter due to the runoff. Green stated that the Planning Board has been dealing with the development for a number of years and is trying to bring it to conclusion. The Engineering staff has worked with the developer to review the Selectmen's concerns and any alternatives. Green stated that they found the best solution to be the tie-ins. Green informed the Board that without this article the Planning Board cannot re-open the public hearing. Green agreed that precedent setting is a concern but tie-ins have been done in other subdivisions in the past.

Jim Arsenault, Town Engineer, stated that the developer's attorney and Town Counsel have discussed conditions and legal aspects associated with the tie-ins. Town Counsel has made sure that the Town will not be liable for any breakdown of the drains.

Jefferies was concerned with liability due to the possible flooding of the residents downstream from the groundwater going to the ponds. Jefferies asked if calculations had been done on the continuous flow to the ponds. Arsenault outlined the drainage system and felt that the amount of water coming from the foundation drains was negligible pursuant to the drainage calculations. Green reported that data from the two tie-ins already in place show no signs of arsenic. Jefferies was concerned with fixing a private problem with public systems. Green stated that there are no other alternatives. Loiselle asked if there was any other place in the development to put the water. Green stated that the empty lots and basins are up gradient. Khumalo reported that he had asked the Engineering Department to look at other towns dealing with similar problems. It was found that many towns have policies which allow for perimeter drains.

Romeo withdrew his motion to set the Warrant at 21 Articles.

**It was moved by Loiselle, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to reconsider the motion made on August 17, 2004 to remove Article 22 (Drainage Easement Chestnut Hill Estates) from the Warrant.**

**It was moved by Loiselle, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to place 22 Articles on the Warrant with the 22<sup>nd</sup> article being the Planning Board Article – Drainage Easement Chestnut Hill Estates.**

**It was moved by Romeo, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to reconsider the motion made on August 17, 2004 to direct the Assistant Town Manager, the Town Engineer and Town Counsel, to cease work on the sum and substance of Article 22. Jefferies amended the motion to have the developer back charged for Staff's work.**

**Hiring Freeze Request**

**2 Heavy Equipment Operators – Highway Department**

**1 Heavy Equipment Operator – Parks and Recreation Department**

**It was moved by Loiselle, seconded by Romeo, and VOTED UNANIMOUSLY, to lift the freeze for these positions.**

**Pleasant Street Bridge Update**

Khumalo referenced a memo dated September 7, 2004 which reported that the Planning Board voted on August 23, 2004 to recommend to the Selectmen to recommend to the State that the plans regarding the proposed amendments to the Pleasant Street Bridge be incorporated into the overall project. Khumalo stated that the developer's goal is to coordinate his work with the Mass Highway bridge work. Khumalo asked the Board to direct Staff to forward the Planning Board's recommend to Mass Highway as it is the intention of the applicant that the proposal be included as part of the pre-construction meeting discussions.

**It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to direct Staff to forward Planning Board's recommendation to Mass Highway for their review and consideration and for the applicant's proposal to be included as part of the pre-construction meeting discussions.**

**Licenses and Permits**

**Rotary Club, Wine & Malt License; Brews & Blues Festival, Kimball Farm, 400 Littleton Road. It was moved by Romeo, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to approve.**

**Nashoba Hill Corp, Powers Road; Haunted Hayride, Public Amusement, Non-Permanent & Sunday Entertainment License. It was moved by Loiselle, seconded by Romeo, and VOTED UNANIMOUSLY, to approve.**

**Board and Committee Appointments**

**Westford Cultural Council – Cheryl Serpe and Lynne Vesey. It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to appoint Cheryl Serpe and Lynne Vesey to the Westford Cultural Council.**

**Conservation Commission – Reappointment of Margaret Wheeler. It was moved by Romeo, seconded by Loiselle, and VOTED UNANIMOUSLY, to reappoint Margaret Wheeler to the Conservation Commission.**

**Senior Citizens Tax Relief Committee** – Request received from Paul Murray to disband the committee. **It was moved by Romeo, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to dissolve the Senior Citizens Tax Relief Committee.**

**Permanent School Building Committee** – Reappoint all members. **It was moved by Loiselle, seconded by Romeo, and VOTED UNANIMOUSLY, to reappoint the members of the Permanent School Building Committee.** Jefferies asked if the Committee could be expanded by one member so that the Committee could have a School Committee representative. **It was moved by Romeo, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to expand the Permanent School Building Committee by one member for the School Committee or their designee.**

### **Minutes**

**It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to approve the minutes of July 13, 2004 (regular session).**

**It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to approve the minutes of July 13, 2004 (executive session) but NOT release to the public.**

**It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to approve the minutes of August 3, 2004 (regular session).**

### **Franklin Property**

No update at this time.

### **Board Reports/Updates**

**Comcast** – Loiselle referenced a letter in correspondence regarding Comcast. Ledoux stated that Dave Levy, Chairman of the Communications Advisory Committee, responded to the letter via e-mail. Ledoux stated that the CAC needs to be more formal in responding to letters. Silva reported that the CAC's attorney is responding and all is in order. Silva also reported that formal discussions with Comcast are ongoing.

### **Old Business/New Business**

**Surplus Property – Endmoor Road** – Ledoux referenced a letter from Jeanne Koehr, 10 Deer Run Drive, regarding a request to purchase of a sliver of land at the end of the driveway at 61 Endmoor Road. Ledoux reported that the property record card indicates that this is a .096 acre parcel of land and is assessed for \$5,800.00. This item to be discussed at a future meeting.

**Request for Trash Pick Up at the Villages at Stone Ridge** – Ledoux reported that the Planning Board minutes do not show a discussion regarding trash. Ledoux stated that more research needs to be done. Ledoux noted that this



request would have a financial impact on the Town. Ellen Harde, Town Moderator, stated that at the 1985 Town Meeting two conditions regarding curbside trash pick up were discussed: the Town would not pick up businesses or condominiums. Harde clarified that the discussion was not included in the article. Harde offered to do more research from 1985.

### **School Negotiations**

Jefferies reported that the schools were back in negotiations. **It was moved by Romeo, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to appoint Robert Jefferies as the Board's representative for the school negotiations.**

### **Correspondence**

9.7 Letter from Mary & Howard Merservey, 117 Groton Road re: Contamination of town and private wells with perchlorate. Jefferies recommended asking DEP if it was appropriate that Ken Winchester's well is pumping perchlorate back into the aquifer.

9.11 Memo from Engineering Department re: drainage issues on Landmark Drive. To be discussed at the next meeting.

### **Open Items**

9/14-1 Board to discuss request of Jeanne Koeher to purchase property on Endmoor Road.

9/14-2 Ledoux to ask DEP if it is appropriate that Ken Winchester's well is pumping perchlorate back into the aquifer.

9/14-3 Board to discuss drainage issues on Landmark Drive at the next meeting (corr. 9.11).

### **Adjournment**

**It was moved by Romeo, seconded by Loiselle, and VOTED UNANIMOUSLY, to adjourn the meeting at 10:40 p.m.**

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Steve Ledoux, Town Manager

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Robert Jefferies, Chairman